IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIFTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 125 of 2005

Between:

The Mahabubnagar Toddy Tappers Co. Operative Society Mahabubnagar rep., by its President G.Venkatramulu Goud
S/o.Sandanna Goud, R/o. Bandameedipalli Village, Mahabubnagar District.

..... PETITIONER

AND

1 The Superintendent of Prohibition and Excise, Mahabubnagar District, Mahabubnagar.
2 The Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly in the nature of writ of Mandamus declaring the order of the 1st respondent in Proceedings Rc.No.B2/3197/04 dated 22.12.2004 as illegal and the inaction on the part of the 2nd respondent in not passing the orders on the stay petition pending the appeal as arbitrary, un-constitutional and vioaltive of Art.14 of the Constitution of India and to pass such other order or orders.

Counsel for the Petitioner: MR.C.B.RAM MOHAN REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following ORDER:

In this writ petition, the petitioner challenges the in action on the appellate authority viz., the second respondent in passing the interim order in the appeal preferred against the proceedings dated 22-12-2004 issued by the first respondent. Though the validity of the proceedings dated 22-12-2004 itself is incidentally challenged, it is impermissible to deal with the same once an appeal is preferred under the relevant provision.

After the writ petition was filed, it emerged that the appeal preferred by the petitioner before the second respondent was rejected through order dated 18-01-2005. In fact, the petitioner filed W.P.No.635 of 2005 assailing the said order.

Hence, the writ petition has become infructuous and the same is accordingly dismissed. No order as to costs.

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25-01-2005

kdl

To

1 The Superintendent of Prohibition and Excise, Mahabubnagar District, Mahabubnagar.
2 The Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division, Hyderabad.

3 Two C.Cs. to the Government Pleader for Prohibition & Eccise, High Court Buildings, A.P., Hyderabad. (OUT).

4 Two C.D. Copies.